

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re: Niedenfuer, Michael J. and  
Niedenfuer, Gina M.,

Chapter 7  
Bky Case No. 04-34572

Debtors.

**NOTICE OF HEARING AND MOTION**  
**OBJECTING TO EXEMPT PROPERTY**

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TO: THE COURT, UNITED STATES TRUSTEE, THE DEBTORS, THEIR ATTORNEY  
AND OTHER PARTIES IN INTEREST:

1. Patti J. Sullivan, Trustee of the bankruptcy estate of the above-named debtors moves the court for the relief requested below and gives notice of hearing.
2. The Court will hold a hearing on this motion at 1:30 p.m. on November 8, 2004 in Courtroom No. 228B, at the United States Court House, 316 N Robert St., St. Paul, Minnesota 55101.
3. Any response to this motion must be filed and delivered not later than 1:30 p.m. on November 3, 2004, which is three days before the time set for the hearing, (excluding intermediate Saturdays, Sundays, and legal holidays), or filed and served by mail not later than October 28, 2004, which is seven business days before the time set for the hearing (excluding intermediate Saturdays, Sundays, and legal holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rules 4003, 5005, 9013 and 9014, Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 7 case was filed on August 5, 2004. The case is now pending in this Court.

5. This motion arises under 11 U.S.C. §522 and Bankruptcy Rule 4003 and Local Rule 1070-1. This motion is filed under Bankruptcy Rule 9014 and Local Rules 9001-1 to 9006-1 and 9013-1 to 9013-5. Movant requests relief with respect to debtors' claim for exemption.

6. Debtors have claimed as exempt the following assets which the Trustee objects to as follows:

- (a) Objection is made to the debtors claimed exemption for jewelry, wife's wedding ring valued at \$600.00, because, except for one watch, Minn. Stat. §550.37, subd. 4(a) does not provide an exemption for such jewelry.

WHEREFORE, the Trustee moves the court for an order sustaining Trustee's objection to claimed exempt property and such other relief as may be just and equitable.

Dated this 6<sup>th</sup> day of October 2004.

/e/ Patti J. Sullivan  
\_\_\_\_\_  
Patti J. Sullivan  
Trustee in Bankruptcy  
Attorney ID No. 170124  
P.O. Box 16406  
St. Paul, MN 55116  
(651) 699-4825

VERIFICATION. I, Patti J. Sullivan, Movant, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated this 6<sup>th</sup> day of October 2004.

/e/ Patti J. Sullivan  
\_\_\_\_\_  
Patti J. Sullivan, Trustee

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In the Matter of:

Niedenfuer, Michael J. and  
Niedenfuer, Gina M.,  
Debtors.

Chapter 7  
Bky No. 04-34572

**UNSWORN CERTIFICATE OF SERVICE**

I, Joeline Kissinger, declare under penalty of perjury that on the 7<sup>th</sup> day of October, 2004,  
I mailed a copy of the attached **Notice of Hearing and Motion Objecting to Exempt Property,  
and Proposed Order** by first class mail postage prepaid to each entity named below or on the  
statement attached at the address stated below or in said attachment for each entity:

United States Trustee  
1015 United States Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Joseph A. Wentzell  
Foster Wentzell & Hedback  
2855 Anthony Ln S, Suite 201  
St Anthony, MN 55418

Michael J. Nidenfuer  
1371 27<sup>th</sup> Ave NW  
New Brighton, MN 55112

Gina N. Nidenfuer  
1371 27<sup>th</sup> Ave NW  
New Brighton, MN 55112

Executed on this 6<sup>th</sup> day of October 2004.

  
Joeline Kissinger

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In Re: Niedenfuer, Michael J. and  
Niedenfuer, Gina M.,

Chapter 7  
Bky Case No. 04-34572

Debtors.

**ORDER**

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At St. Paul, Minnesota, \_\_\_\_\_, 2004.

Upon the objection to Claimed Exempt Property filed by the Trustee and upon all the files and records of the proceedings herein,

IT IS HEREBY ORDERED:

That the Trustee's Objection is sustained, and

1. The debtors claimed exemption in the jewelry, wife's wedding ring valued at \$600.00, is disallowed.
2. The debtors shall remit the wedding ring valued at \$600.00 or the value of the non-exempt property to the Trustee within ten (10) days from the entry of this order.

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Gregory F. Kishel  
Chief United States Bankruptcy Judge